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TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

DASS, HARISH T

ART UNIT PAPER NUMBER

3628

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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/045,313  
Filing Date: October 24, 2001  
Appellant(s): CHIN, STEPHEN

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Patrick M. Boucher  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed January 20, 2006 appealing from the Office action mailed October 20, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

Examiner has noted that Notice of allowance for U.S. Pat. Appl. No. 09/307,485 has been mailed on 03/15/2006.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,903,881	Schrader et al.	5-1999
6,070,798	Nethery	6-2000
5,825,003	Jennings et al.	10-1998

Datek.com "Web pages from Datek"

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**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (Hereinafter Jennings, US Pat. 5,825,003) in view of Datek.com (hereinafter Datek).

Re. Claim 11, Jennings discloses providing a computational system interfaced with Internet, the computational system including a computer processor (CPU), a database, and a server that contacts the computational system with the ATM network or the like [see entire document particularly, abstract; Figure 15; C2 L36-56; C3 L50 to C4 L13; C7 L46-L59 (see home banking, source banking system, host system, and use of personal computer (PC), which is mostly found in context of online banking where user has an

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established account in a financial institution and manages his/her account using Internet from his/her home or office by using PC connected to banking server by Internet communication));

establishing a stored value account of a user, the stored value account identifying an electronic funds level previously credited to the account by the user and information defining the stored value account being stored within the database [C2 L36-L62; C4 L1-L65; C5 L37 to C6 L18; C9 L9-L16; C26 L52 to C27 L62; -- see deposited, valid account number. It is mostly known that a user account (saving, checking, etc) is established by depositing money and the account has user's information (record) which is stored in financial institution's computer system database];

receiving a request from the user over Internet (on-line) at a server (host system) to transfer at least some of the funds in the stored value account to a recipient, the request being received in response to and substantially contemporaneous (instantly) with consummation (settlement) of a transaction between the sender and recipient [abstract; C1 L45 to C2 L62; C3 L50 to C4 L13; C5 L42 to C5 L55 to C6 L40; C27 L48 to C28 L22 ], sending the requested funds to the recipient [C4 L1-L5; C13 L44 to C14 L40; C18 L20-L67], and debiting the stored value account [C5 L30-L40; C8 L3-L43; C27 L48 to C28 L20]. Jennings discloses electronic fund transfer over the ATM network or the like. Jennings does not explicitly disclose transfer over the Internet. However, Datek discloses an on-line trading system over the Internet [See selected Web pages from Datek: 1-3, 6, 9, 11-13, 15, and 17] to transfer money and trade securities using Internet for a faster way to trade and transfer money. It would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to combine the disclosure of Jennings and Datek, to facilitate on-line transfer of money using Internet to speed up the process, which eventually saves the cost to the user.

Re. Claims 13-14, Jennings further discloses confirmation message is displayed to the customer [C9 L17-L32; C11 L10 to C12 L50; C14 L29-L45]. Jennings does not explicitly disclose email. However, Schrader discloses email messages [C19 L25-L45] to allow the user to receive email message from financial institution or send message to financial institutions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jennings and add email to allow the user to get message for inquiries about specific transactions.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings and Datek as applied to claim 11 above, and further in view of Nethery (US 6,070,798).

Re. Claim 12, neither Jennings nor Datek discloses generating a money order in the name of the recipient, and wherein the requested funds are sent by sending the money order. However, Nethery discloses this step [Abstract; Figure 5; C1 L5 to C2 L38] to enable remote purchase over a network. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jennings and Datek to add money negotiable instrument such as money order to be send through electronic communication link.

Claim 15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings in view of Schrader et al (hereinafter Schrader – 5,903,881).

Re. Claim 15, Jennings further discloses Providing a computational system interfaced with Internet, the computational system including a computer processor, a database, and a server that contacts the computational system with the ATM network or the like [see entire document particularly, abstract; Figure 15; C2 L36-56; C3 L50 to C4 L13; C7 L46-L59 (see home banking, source baking system, host system, and use of personal computer (PC), which is mostly found in context of online banking where user has an established account in a financial institution and manages his/her account using Internet from his/her home of office by using PC connected to banking server by Internet communication)];

establishing a stored value account of a user, the stored value account identifying an electronic funds level previously credited to the account by the user and information defining the stored value account being stored within the database [C2 L36-L62; C4 L1-L65; C5 L37 to C6 L18; C9 L9-L16; C26 L52 to C27 L62; -- see deposited, valid account number. It is mostly known that a user account (saving, checking, etc) is established by depositing money and the account has user's information (record) which is stored in financial institution's computer system database];

receiving a request from the user at the server to increase the electronic funds level of the stored value account wherein the request includes information on a payment

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instrument to be used to increase the electronic funds level [C2 L60-L62; C3 L50-L67; C4 L4-L17; C5 L37-L38; C5 L42 to C6 L40; C27 L48 to C28 L22], from the server, sending an authorization request to charge the payment instrument [Abstract; Figures 12-14; C1 L45 to C2 L62; C26 L52 to C27 L20; C17 L45-L67], receiving at the server an authorization to charge the payment instrument [Abstract; Figures 12-14; C1 L45 to C2 L62; C26 L52 to C27 L20; C5 L9-L30; C17 L45-L67], and providing the requested funds to the recipient [C5 L42 to C6 L8; C9 L17 to C10 L50; C28 L1-L22];

increase the electronic funds level of the stored value account in accordance with the authorization [C2 LC60-L62; C4 L5-L6; -- see deposited];

receiving request from the user to transfer at least some of the funds in the stored value account to a recipient [C5 L37-L38; ];

Jennings does not explicitly disclose server computer. However, Schrader further discloses server computer [Figure 13; C12 L28 to C13 L7; C15 L5-L27] to allow the Internet based communication. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jennings and include computer server, as taught by Schrader, to allow the client computer download a configuration file which contains the financial institutions description information.

Re. Claims 17-18, Jennings further discloses confirmation message is displayed to the customer [C9 L17-L32; C11 L10 to C12 L50; C14 L29-L45]. Jennings does not explicitly disclose email. However, Schrader discloses email messages [C19 L25-L45] to allow



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the user to receive email message from financial institution or send message to financial institutions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jennings and add email to allow the user to get message for inquiries about specific transactions.

Re. Claims 19-21, Jennings further discloses wherein the recipient is a merchant (point of sale) [C8 L38], and wherein the payment instrument is a credit card [C9 L10-L12].

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings in view of Schrader as applied to claim 15 above, and further in view of Nethery (US 6,070,798).

Re. Claim 16, neither Jennings nor Schrader or Mori discloses generating a money order in the name of the recipient, and wherein the requested funds are sent by sending the money order. However, Nethery discloses this step [Abstract; Figure 5; C1 L5 to C2 L38] to enable remote purchase over a network. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jennings and Schrader to add money negotiable instrument such as money order to be send through electronic communication link.

#### **(10) Response to Argument**

a. In response to Appellant's argument (see Appeal Brief (AB) page 5 lines 4-7, 1<sup>st</sup> paragraph) recites "In this instance, at least the limitation of claim 11 requiring

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...transaction between the sender and recipient" in not taught or suggested by the cited art. Later, Applicant admits (see AB, page 7 lines 1-4, 1<sup>st</sup> paragraph) that Jennings teaches fund ... transferred from customer (sender) into another account (recipient) is substantially in real time across international borders.

b. In response to Appellant's argument (see AB, page 7 lines 10-11, 2nd paragraph) recites "It lacks any teaching or ... consummated substantially contemporaneously with transfer." However, Examiner has provided selected passages from Jennings, which describes the above invention as much as possible to make easy for applicant to realize the invention, for example:

*b1. Jennings (Abstract, lines 1-3) "funds to be transferred instantly (substantially contemporaneous) to an account so that the funds are available (received) to the beneficiary at the time they are sent" and lines 17-21 "Further, the system is provided with various safeguards to assure that only authorized individuals have access to the accounts and the funds and immediately verifies successful completion (consummation) or failure to the customer."*

b2. Jennings (col. 1 lines 59-63) "this method requires the requesting party to provide identification information which is entered and then transmitted by the local financial institution so that it may be authenticated and approved by the customer's home financial institution", which indicates the financial institution agreement for fund transfer. Jennings (col. 2 lines 48-50) "displays them to the

user so that the user may authorize or cancel the transaction.” which indicates customer’s approval or agreement.

Based on Webster’s Universal Encyclopedic Dictionary, 2002, contemporaneous means originating at the same time, and consummate means complete or finished.

b2. Jennings (col. 27 lines 4-10) “receiving authorization to implement the requested transfer”, and (col. 5 lines 30-60) “If approved by the user, at Step 14 a request to execute the transfer is sent to the local FEP. The local FEP verifies that the source account has sufficient funds and that no block on the transfer of such funds is present”... “local FEP posts a debit to the source account”... “remote FEP then posts a credit to the beneficiary account” ...”At Step 17, on receipt of a successful completion code the network switch initiates settlement between the two businesses by accruing corresponding entries on their head office settlement accounts, and then returns a completion code to the local FEP.”, and (col. 28 lines 4-22) “a requested amount to be transferred from the source account to the destination account” ...” an electronic message is transmitted to the second host system authorizing a credit to the destination account in the requested amount and the first host account debits the source account by the total debit amount.”

c. In response to Appellant’s argument (see AB, page 8 lines 10-15, 4<sup>th</sup> paragraph) recites “Jennings is not directed at all directed to the use of a payment instrument for

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supporting a fund transfer over the Internet”, Jennings discloses payment system (col. 8 lines 30-38) “The external transfers, standing orders and direct debits application 84 handles several different functions which together constitute a payment system. It allows a customer to transfer funds from their account to, for example, pay bills.” Secondary reference, Schrader discloses online (or internet) payment (Abstract lines 13-15) “software product and system supports online bill payment, electronic funds transfer” (col. 5 line 60 to col. 6 line 12) “in one embodiment of the present invention, there is provided an online banking software product having as its primary user interface a single display screen for presentation on a display device of a personal computer.” ...”These transaction instructions may have various details, such as a description, or an amount. The description indicates the nature of the instruction, such as payment of a bill, transfer of funds.”

d. In response to Appellant’s argument (see AB, page 8 lines 13-15, 5<sup>th</sup> paragraph) “increasing the electronic funds level of the stored value account in accordance with the authorization”. Jennings discloses (col. 6 lines 15-30) “cash withdrawal, deposits and payments, transfer between accounts, balance inquiries, transaction histories, and purchases of travelers checks.” ...” a depository 52 for accepting deposit and payment envelopes.” Further, it is well known that the bank or financial institution accounts (checking, saving, money market) balance can be increased by depositing money either by cash payment, depositing a check, transferring an amount from another account or

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getting protection of over draft, and similarly withdrawal funds from account needs the financial institution approval, and these are an intrinsic parts of such accounts.

e. In response to Appellant's argument (see AB, page 9 lines 27-29, 4<sup>th</sup> paragraph) "Jennings, it neither teaches not suggests funding a stored value account with payment instrument and using the funds in the stored value account to respond to a request to transfer funds. Appellant argues about limitation that is not claimed. Jennings discloses ATM's basic functions (col. 6 lines 15-20) "cash withdrawal, deposits and payments, transfer between accounts, balance inquiries, transaction histories, and purchases of travelers checks (payment instrument), (col. 6 line 65 to col. 7 line 5) "identify any customer accounts associated with the card", it is known that debit cards (payment instrument) are associated with customer's account (stored value account), Jennings (col. 9 lines 4-17) "the system consults a look-up table stored in memory which indicates the various types of accounts which are permitted for such transfer functions. Approved accounts might include a checking account, a related credit card account or other accounts provided by the customer's financial institution." Further, it is well known that the bank or financial institution accounts should have funds in account (positive balance or stored value), otherwise the funds can not be withdrawn more that the account balance (more than stored value of account) and this is an intrinsic part of such accounts.

**(11) Related Proceeding(s) Appendix**

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Harish T. Dass *Harish T Dass*

Examiner

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Conferees:

Hyung Sough *SC*

Frantzy Poinvil *FP*

*HS*  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600